



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

**SURFACE WATER
DISCHARGES**

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Public Notice FACT SHEET – September 29, 2021

Mountaire Farms Inc.
P.O. Box 710
Hosier Street & Railroad Avenue
Selbyville, Delaware 19975

NPDES Permit No. DE 0050326
State Permit No. WPCC 3026F/75

Mountaire Farms Inc. has applied for reissuance of its National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water to Sandy Branch, which leads to the Bunting Branch, and ultimately discharge to the Isle of Wight Bay in Maryland.

Proposed Changes

1. Updated outfall list, discharge information, and site map. Outfalls 001 and 002 in previous permit were both eliminated. Currently, nine (9) outfalls were identified and all discharge storm water.
2. Updated the new water flow diagram to demonstrate storm water runoff direction and all drainage areas.
3. Deleted effluent limitation and monitoring requirement tables for Outfall 001 and 002.
4. Added new monitoring requirements tables for Outfall 1B, 2B, and 005.
5. Added new Electronically Generated Discharge Monitoring Report (eDMR) requirements.
6. Added a New Special Condition No. 4 in Part III.A requiring the permittee to monitor nutrients, 5-day Carbonaceous Biochemical Oxygen Demand (CBOD₅), and bacteria at Outfalls 1B, 2B, and 005.
7. Added a New Special Condition No. 5 in Part III.A pursuant to 40 CFR Part 136 to ensure the use of EPA-approved analytical methods that are capable of detecting and measuring the pollutants at, or below, the applicable water quality criteria or permit limits.

Facility Location

The facility is located at Hosier St. and Railroad Avenue in Selbyville, Sussex County, Delaware.

Activity Description

The facility is a poultry processing plant. Live chickens arrive by truck and are staged in a live receiving cooling/storage shed prior to processing. The facility utilizes a pretreatment plant for the processed wastewater. After that, pretreated wastewater is diverted to the Selbyville Wastewater Treatment Plant (WWTP). The 9 current outfalls only discharge storm water runoff to Sandy Branch. This site houses processing buildings, warehouses, maintenance facilities and office buildings.

Discharge Description

Outfalls 001 and 002 in the previous permit were eliminated. Outfall 001 in the previous permit discharged non-contact cooling water and storm water. It was permanently plugged in 2014 and the pipes separated to ensure that no flow can be discharged from this outfall. The storm water runoff from the live shed area that previously discharged to Outfall 002 has been contained and routed through the facility's wastewater treatment plant on site.

Currently, 9 storm water discharge outfalls are identified.

The roof of the southwest corner of the plant drains rainwater through two pipes and enters a storm water catch basin, then drains into the railroad rock swell that discharges through Outfall 1B. Industrial activities include any maintenance on the rooftop equipment in the area.

The live animal holding area has been contained and all water under the shed roof is drained for pretreatment. The current Outfall 2B discharges storm water runoff from the area around the live holding area excluding the holding shed. As of December 2017, the runoff from this area is captured and sent to an infiltration pond. So, Outfall 2B only discharges when there is overflow from the infiltration pond.

Storm water from the back portion of the plant yard (Drainage Area 5 shown in water flow diagram in the permit) is collected through a series of catch basins and conveyed to a lift station. During rain events the lift station pumps capture the first 30 minutes of runoff and pumps it to the onsite wastewater pretreatment facility. After 30 minutes, storm water runoff will be redirected and sent to Sandy Branch via Outfall 005. Associated industrial activities in this drainage area include product loading and unloading, and trailer parking.

Storm water from employee parking lots discharge through Outfalls 6A and 6B. After the ongoing parking lot addition project, there will be two more outfalls (Outfall 16 and 17) located in the new trailer and employee parking lot that also discharge storm water. Additionally, storm water, which encompasses the roofed area of the live animal holding shed and the impervious surface to the south, sheet flows to Sandy Branch via Outfall 15. Outfall 18 discharges storm water runoff from the roof area to the Sandy Branch inlet grate. No industrial activity has been found associated with discharge at Outfall 6A, 6B, 15, 16, 17, and 18.

Receiving Stream Classification

The applicant has 9 outfalls that discharge to the Sandy Branch, which leads to the Bunting Branch, and ultimately discharge to the Isle of Wight Bay in Maryland. The designated uses of Buntings Branch are: Primary Contact Recreation; Secondary Contact Recreation; Fish, Aquatic Life & Wildlife; and Agriculture Water Supply.

Section 303(d) of the Clean Water Act requires States to identify water quality impaired waterways and develop Total Maximum Daily Loads (TMDLs) for the pollutants that impair the waterways. The Department has identified that the water quality of Buntings Branch was impaired because of its elevated

nutrient levels and low dissolved oxygen concentrations. The Mountaire Farm facility was permitted to discharge cooling water and storm water into Buntings Branch's tributary -Sandy Branch. However, the discharge outfall for cooling water was plugged and has not had any discharge since 1998. The facility currently only discharges storm water runoff to Sandy Branch. The Department is currently in the process of updating the 2004 TMDL for the Buntings Branch to be in agreement with the updated Maryland TMDL for the Bishopville Prong. As part of this update, the Department will include discharges from storm water as a point source and part of the Waste Load Allocation. This permit shall be modified accordingly based on the established Waste Load Allocation in the future.

Statutory and Regulatory Basis

The Delaware Department of Natural Resources and Environmental Control (DNREC) proposes to reissue a NPDES permit to discharge storm water at his facility subject to certain effluent discharge limitations, monitoring requirements and other terms and conditions identified in the permit. Section 402 of the federal Clean Water Act, as amended, and 7 Del. C. Chapter 60 provide the authority for permit issuance. Federal and state regulations promulgated pursuant to these statutes are the regulatory bases for permit issuance.

Bases for Effluent Limitations

DNREC has examined the application, recent discharge monitoring data, and related information. The Department proposes to reissue the facility's NPDES permit for a period not to exceed five (5) years, subject to the effluent discharge limitations and monitoring requirements shown in the attached permit.

The permit was last re-issued on 04/01/2011. Previous discharge at Outfall 002 was subjected to 40 CFR §432, Federal "Effluent Limitations Guidelines" (ELGs) for the "Meat and Poultry Products Point Source Category, Subpart K – Poultry First Processing". After the 2011 permit, the permittee completed improvements to contain runoff from the animal live holding area. Due to these improvements, the "ELG Subpart K — Poultry First Processing" no longer applies since there is no discharge from the live animal holding area. All runoff from the live shed area has been contained and routed through the facility's wastewater treatment plant.

The facility identifies three Outfalls (1B, 2B, and 005) that discharge storm water associated with industrial activity into Sandy Branch, which leads to the Bunting Branch.

pH, Total Suspended Solids (TSS), Chemical Oxygen Demand (COD) Monitoring

The proposed permit requires the permittee to monitor pH, TSS, and COD once per quarter. Based on EPA's 2021 Multi-Sector General Permit (MSGP) for Industrial Stormwater Discharges, facilities without benchmarks must conduct "report-only" indicator monitoring for pH, TSS, and COD on a quarterly basis throughout the permit term. This monitoring requirement applies to: Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1. Mountaire Farms Inc. is under Subsector U3: Meat Products (SIC Code 2011-2015) and subject to this "report-only" monitoring requirement.

Nutrients, CBOD₅, Bacteria Monitoring

The proposed permit also requires the permittee to monitor total Nitrogen (N), total Phosphorus (P), CBOD₅ and Enterococcus bacteria, once per quarter. The Department will consider the long-term TMDL target concentrations of 3.0 mg/L total N and 0.2 mg/L total P, and the bacterial water quality criteria in evaluating the data collected in the future. CBOD₅ monitoring is required because the upcoming TMDL update may establish a CBOD₅ limit.

At least eight rounds of sampling for total N, total P, CBOD₅ and bacteria will help the Department determine whether the site discharges pollutants that contribute to the impairment of the Bunting Branch. Also, these data will help inform the Department's new TMDL development. If the concentration of these pollutants is not significant in the two years of sampling, the permittee may request approval from the Department to either decrease monitoring frequency or discontinue monitoring.

Special Conditions

Special Condition No. 1 states that this permit supersedes NPDES Permit DE 0050326 and State Permit WPCC 3026E/75, issued on April 1, 2011, with an effective date of April 1, 2011.

Special Condition No. 2 is a standard permit reopener clause. This special condition allows the Department to reopen and modify the permit if the discharger is causing water quality problems.

Special Condition No. 3 requires the permittee to continue to implement and maintain a Storm Water Plan (SWP) to minimize the discharge of contaminated storm water from its facility.

Special Condition No. 4 requires the permittee to monitor total Nitrogen, total Phosphorus, CBOD₅ and bacteria at Outfall 1B, 2B, and 005 to determine whether the discharge contributes to the impairment of the Bunting Branch.

Special Condition No. 5 requires the permittee to use EPA-approved analytical methods that are capable of detecting and measuring the pollutants at, or below, the applicable water quality criteria or permit limits pursuant to 40 CFR Part 136.

Antidegradation Statement

The proposed effluent limitations included in this NPDES permit comply with the applicable portions of the State of Delaware Surface Water Quality Standards, Section 5: Antidegradation and ERES Waters Policies.

Public Notice and Process for Reaching a Final Decision

The public notice of the Department's receipt of the application and of reaching the tentative determinations outlined herein will be published in the Wilmington News Journal and the Delaware State News on **September 29, 2021**. Interested persons are invited to submit their written views on the draft permit and the tentative determinations made with respect to this NPDES permit application. The Department has scheduled a public hearing (Hearing Docket No.: 2021-P-W-0017) on this application at **6:00 p.m. on November 02, 2021**. All comments received by **4:30 pm on November 17, 2021** will be considered in the formulation of final determinations regarding this application.

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